

## **REMARKS**

Applicants reply to the Office Action dated December 17, 2009 within the one month shortened statutory period for reply. Claims 1-36 were pending in the application and the Examiner states that the claims are subject to restriction action and/or election requirement with regard to the invention and species. Reconsideration of the pending claims is requested.

The Examiner asserts a Restriction Requirement under 35 U.S.C. 121 requiring restriction of the application as follows:

Group I: Claims 1-17, drawn to a method for separating, concentrating or refining a carbon nanotube.

Group II: Claims 18 and 19, drawn to a method for analyzing a carbon nanotube population.

Group III: Claims 20-22, drawn to a carbon nanotube composition having uniformity.

Group IV: Claims 23 and 25, drawn to an optical filter having a carbon nanotube thin film.

Group V: Claims 23, 26 and 27, drawn to an electronic device having a carbon nanotube thin film.

Group VI: Claim 24, drawn to a carbon nanotube array with nanotubes arranged in predefined patterns on a support.

Group VII: Claims 28-36, drawn to a carbon nanotube apparatus for separating, concentrating or refining carbon nanotube populations.

**Applicants elect Group I, consisting of Claims 1-17 for prosecution in this application.**

The Examiner also asserts an election of Species is required as follows:

Group I, claim 9: Separation by chromatography.

Group II, claim 8: Separation by magnetic field.

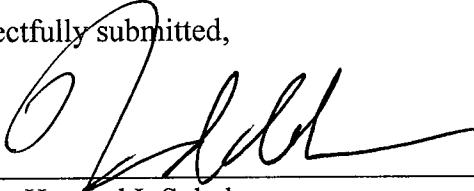
**Applicants elect Species Group I, claim 9, for prosecution in this application.** Applicants select Species Group I, claim 9 in order to expedite prosecution of this application.

Applicants do not acquiesce to the Examiner's foundation for the Restriction and Election Requirements as set forth in the Office Action, but Applicants elect without traverse. Accordingly, the foregoing elections are made without waiver, estoppel or without prejudice to the filing of one or more related applications directed to the subject matter of cancelled claims 18 – 36.

The foregoing amendments conform this application to the Examiner's Restriction and Election Requirement dated December 17, 2009. Applicants submit that the application is now in condition for examination on the merits. Early notification of such action is earnestly solicited. Should the Examiner have any suggestions to place the application in even better condition for allowance, Applicants request that the Examiner contact the undersigned representative at the telephone number listed below. The Commissioner is authorized to charge any fees due or refund any overpayment to Deposit Account No. 19-2814, including extension of time fees, if needed.

Respectfully submitted,

Dated: January 14, 2010

By:   
Howard I. Sobelman  
Reg. No. 39,038

**SNELL & WILMER L.L.P.**  
400 E. Van Buren  
One Arizona Center  
Phoenix, Arizona 85004  
Phone: 602-382-6228  
Fax: 602-382-6070  
Email: [hsobelman@swlaw.com](mailto:hsobelman@swlaw.com)